

AND NOW, this 24th day of May, 2005, upon consideration of testimony during trial in the above-captioned case of David Tipton, an employee of defendant, suggesting that David Tipton is in possession of information relating to the current address of Shu Chen, a former employee of defendant likely to have discoverable information relevant to plaintiffs' patent infringement claims, and it appearing that this information was not previously disclosed to plaintiffs, and it further appearing that counsel for plaintiffs have orally moved to compel production of this information and for sanctions against defendant, see FED. R. CIV. P. 37; see also id. 7, it is hereby ORDERED that:

1. The motion to compel is GRANTED as follows:
  - a. Counsel for defendant shall, on or before May 31, 2005, produce to counsel for plaintiffs copies of all records of communications, including but not limited to electronic mail and telephone and cellular telephone communications, between David Tipton and Shu Chen in or after March 2004 that are within the possession or control of defense counsel, defendant, David Tipton, or an individual or entity providing record-keeping or communications services in behalf of defense counsel, defendant, or David Tipton.
  - b. Counsel for defendant shall, on or before May 31, 2005, produce to counsel for plaintiffs copies of all records relating to the whereabouts or activities of Shu Chen in or after March 2004 that are within the possession or control of defense counsel, defendant, David Tipton, or an individual or entity providing record-keeping or communications services in behalf of defense counsel, defendant, or David Tipton.
2. Resolution of the motion for sanctions will be deferred pending supplementation of the record.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge